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Department Generated Correspondence (Y)

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Our ref: PP\_2011\_HORNS\_001\_00  
Your ref: F2011/00441

Mr Robert Ball  
General Manager  
The Council of the Shire of Hornsby  
PO Box 37  
HORNSBY NSW 1630

Dear Mr Ball,

**Re: Planning Proposal to amend Hornsby Shire Local Environmental Plan 1994 by increasing height and floor space ratio controls for land within the Hornsby West Precinct to permit high density mixed use residential and commercial development; and include a requirement for a minimum floor space ratio of 2:1 for employment generating development within residential/mixed use buildings in the Hornsby West Precinct**

I am writing in response to your Council's letter dated 23 June 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Hornsby Local Environmental Plan 1994 by increasing height and floor space ratio controls for land within the Hornsby West Precinct to permit high density mixed use residential and commercial development; and include a requirement for a minimum floor space ratio of 2:1 for employment generating development within residential/mixed use buildings in the Hornsby West Precinct.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions contained in the attached Gateway Determination.

Council is to prepare the required strategic planning studies such as an urban design study, traffic, and economic feasibility prior to proceeding to exhibition. These studies will inform a revised planning proposal which will clearly establish the Council's strategic intent and vision for the Hornsby West Precinct. In doing so, Council will be able to 'test' a number of development scenarios to determine the best mix of uses in the precinct. Council will also be able to integrate the outcomes of other strategic planning work being undertaken in the area including the Hornsby Town Centre Car Parking Study, and the Coronation Street Economic Feasibility Study into a more comprehensive review of planning controls. The revised proposal will need to be submitted to the Department's Regional Planning Director, Sydney Region West for approval prior to exhibition.

The revised planning proposal is to detail the nature of proposed amendments to FSR, building height, land use zoning and other controls. Appropriate mapping is also to be provided with the revised planning proposal illustrating the intended outcomes of the revised planning controls.

Following the completion of the identified strategic studies, Council is also to provide an assessment of the revised planning proposal against all relevant Section 117 Directions, SEPPs, and the strategic planning framework for consideration prior to exhibition commencing. At this stage the Director General's delegate has not agreed that the planning proposal's inconsistencies with S117 Directions are justified and further assessment and justification is required.

It is understood that Council could complete the necessary strategic planning studies for the Hornsby West Precinct within approximately 6 months. Council should therefore submit its revised planning proposal to the Department's Regional Office within 9 months.

Should you have any queries in regard to this matter, please contact Tai Ta of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,

  
29/8/11

**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

***Planning Proposal (Department Ref: PP\_2011\_HORNS\_001\_00): to by increasing height and floor space ratio controls for land within the Hornsby West Precinct to permit high density mixed use residential and commercial development; and include a requirement for a minimum floor space ratio of 2:1 for employment generating development within residential/mixed use buildings in the Hornsby West Precinct.***

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Hornsby Local Environmental Plan 1994 to amend the Hornsby Local Environmental Plan 1994 by increasing height and floor space ratio controls for land within the Hornsby West Precinct to permit high density mixed use residential and commercial development; and include a requirement for a minimum floor space ratio of 2:1 for employment generating development within residential/mixed use buildings in the Hornsby West Precinct should proceed subject to the following conditions:

1. Council is to undertake the following strategic planning studies to inform the development of appropriate planning controls for the Hornsby West Precinct:
  - a. urban design study;
  - b. traffic and transport assessment; and
  - c. economic feasibility assessment of proposed options.
2. Council is to prepare and submit a revised planning proposal based on the outcomes of the above studies to the Department's Regional Planning Director, Sydney Region West, for consideration prior to proceeding to exhibition.
3. Council is to prepare appropriate FSR, height of building, minimum lot size and other relevant maps detailing the outcomes of the above studies and illustrating the proposed amendments to the existing development controls for the precinct.
4. Council is to have regard to the outcomes of current strategic planning work being undertaken including the Hornsby Town Centre Car Parking Study and the Coronation Street Economic Feasibility study when finalising its revised planning proposal.
5. Council is to provide an assessment of the revised planning proposal's consistency with all relevant Section 117 Directions, SEPPs, and other relevant strategic planning framework guidelines and requirements with the revised planning proposal.
6. In completing the above strategic studies, consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage
  - NSW Rural Fire Service
  - Roads and Traffic Authority
7. Community consultation is not to commence until the Regional Director, Sydney Region West has agreed to the content and form of the revised planning proposal.
8. Once the Regional Director, Sydney Region West has agreed to the form and content of the revised planning proposal community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
9. Council is to undertake the required strategic planning background studies within 6 months and to submit a revised planning proposal to the Regional Director, Sydney Region West for consideration within 9 months of the week following the date of this Determination.

Dated 29<sup>th</sup> day of August 2011.



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**  
**Delegate of the Minister for Planning and**  
**Infrastructure**